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DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**COMPOSITIONS AND METHODS FOR THE TREATMENT OF PRIMARY AND METASTATIC
NEOPLASTIC DISEASES USING ARSENIC COMPOUNDS**

(Attorney Docket No. 077319/0225)

the specification of which (check one)

☐ is attached hereto.

☒ was filed on October 15, 1998 United States Application Number or
PCT International Application Number 09/173,531 and was
amended on _____ (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number | Country | Foreign Filing Date | Priority Claimed? | Certified Copy Attached? |
|----------------------------------|---------|---------------------|-------------------|--------------------------|
| | | | | |
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I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| U.S. Provisional Application Number | Filing Date |
|-------------------------------------|------------------|
| 60/062,375 | October 15, 1997 |
| | |
| | |

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Application Number | Parent Filing Date | Parent Patent Number |
|--------------------------------|-------------------------------|--------------------|----------------------|
| | | | |
| | | | |
| | | | |

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith:

| | |
|----------------------|-----------------|
| STEPHEN A. BENT | Reg. No. 29,768 |
| DAVID A. BLUMENTHAL | Reg. No. 26,257 |
| BETH A. BURROUS | Reg. No. 35,087 |
| ALAN I. CANTOR | Reg. No. 28,163 |
| WILLIAM T. ELLIS | Reg. No. 26,874 |
| JOHN J. FELDHAUS | Reg. No. 28,822 |
| PATRICIA D. GRANADOS | Reg. No. 33,683 |
| JOHN P. ISACSON | Reg. No. 33,715 |
| MICHAEL D. KAMINSKI | Reg. No. 32,904 |
| LYLE K. KIMMS | Reg. No. 34,079 |
| KENNETH E. KROSIN | Reg. No. 25,735 |
| JOHNNY A. KUMAR | Reg. No. 34,649 |
| GLENN LAW | Reg. No. 34,371 |
| PETER G. MACK | Reg. No. 26,001 |
| BRIAN J. MC NAMARA | Reg. No. 32,789 |
| SYBIL MELOY | Reg. No. 22,749 |
| RICHARD C. PEET | Reg. No. 35,792 |
| GEORGE E. QUILLIN | Reg. No. 32,792 |
| COLIN G. SANDERCOCK | Reg. No. 31,298 |
| BERNHARD D. SAXE | Reg. No. 28,665 |
| CHARLES F. SCHILL | Reg. No. 27,590 |
| RICHARD L. SCHWAAB | Reg. No. 25,479 |
| ARTHUR SCHWARTZ | Reg. No. 22,115 |
| HAROLD C. WEGNER | Reg. No. 25,258 |

and I request that all correspondence be directed to:

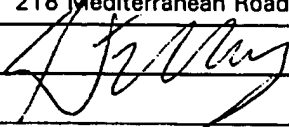
Stephen A. Bent
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 3000 K Street, N.W., Suite 500
 Washington, D.C. 20007-5109

Telephone: (202) 672-5404
 Facsimile: (202) 672-5399

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|------------------------|---|
| Name of first inventor | Ralph M. ELLISON |
| Residence | Palm Beach, Florida |
| Citizenship | United Kingdom |
| Post Office Address | 218 Mediterranean Road, Palm Beach, Florida 33480 |
| Inventor's signature |  |
| Date | 9/22/2000 |

| | |
|------------------------|--|
| Name of first inventor | Fred H. MERMELSTEIN |
| Residence | Clifton, New Jersey |
| Citizenship | United States |
| Post Office Address | 8 Skyview Terrace, Clifton, New Jersey 07013 |
| Inventor's signature | |
| Date | |

Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|------------------------|---|
| Name of first inventor | Ralph M. ELLISON |
| Residence | Palm Beach, Florida |
| Citizenship | United Kingdom |
| Post Office Address | 218 Mediterranean Road, Palm Beach, Florida 33480 |
| Inventor's signature | |
| Date | |

| | |
|------------------------|---|
| Name of first inventor | Fred H. MERMELSTEIN |
| Residence | Upper Montclair, New Jersey |
| Citizenship | United States |
| Post Office Address | 64 Dryden Road, Upper Montclair, New Jersey 07043 |
| Inventor's signature | <i>Fred Mermelstein</i> |
| Date | <i>October 2, 2000</i> |

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**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

| | |
|------------------------|--------------------------------|
| Application Number | 09/173,531 |
| Filing Date | 10/15/1998 |
| First Named Inventor | ELLISON, Ralph |
| Title | COMPOSITIONS AND METHODS FOR.. |
| Art Unit | 1616 |
| Examiner Name | J. Pak |
| Attorney Docket Number | 2302A |

I hereby appoint:

☒ Practitioners associated with the Customer Number:

32516

OR

☐ Practitioner(s) named below:

| Name | Registration Number |
|------|---------------------|
| | |
| | |
| | |
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as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

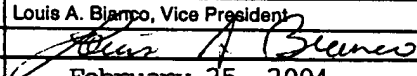
☐ The address associated with Customer Number:

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| | | | | |
|--|--|-------|--|-----|
| <input type="checkbox"/> Firm or Individual Name | | | | |
| Address | | | | |
| Address | | | | |
| City | | State | | Zip |
| Country | | | | |
| Telephone | | Fax | | |

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

| | | | |
|-----------|---|-----------|----------------|
| Name | Louis A. Bianco, Vice President | | |
| Signature |  | | |
| Date | February 25, 2004 | Telephone | (206) 272-4004 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: POLARX BIOPHARMACEUTICALS, INC.

Application No./Patent No.: 09/173,531 Filed/Issue Date: 10/15/1998

Entitled: COMPOSITIONS AND METHODS FOR THE TREATMENT OF PRIMARY AND METASTATIC NEOPLASTIC DISEASES USING ARSENIC COMPOUNDS

POLARX BIOPHARMACEUTICALS, INC., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

A. [☒] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 010687, Frame 0824, or for which a copy thereof is attached.

OR

B. [] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

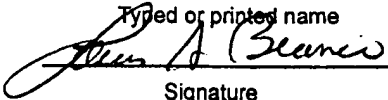
[] Additional documents in the chain of title are listed on a supplemental sheet.

[] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

February 25, 2004
Date
(206) 272-4004
Telephone number

Louis A. Blanco
Typed or printed name

Signature
Vice President
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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